

REMARKS

Claims 1-4 are pending in the Application. Claims 1-4 have been rejected. In view of the remarks that follow, Applicants respectfully request that all of the pending rejections be withdrawn.

In the Office Action, Claims 1-4 were rejected under 35 U.S.C. § 102(b), as anticipated by Roberts, et al. (**Res. & Indus. 1999, 1006-1009, No. 475, hereinafter, "Roberts I"**). In support of this rejection, the Examiner asserts that Roberts I teaches an ^{17}F labeled fluoromethane, where the necessary ^{17}F is produced in neon gas generating ^{17}F with over 150 mCi easily produced at saturation. Applicants respectfully submit that the Examiner has inadvertently cited the incorrect reference in support of this rejection. Roberts I does not teach the production of ^{17}F labeled fluoromethane having an equilibrium activity of greater than 150 mCi, as asserted by the Examiner. Instead, Roberts I describes the production of ^{17}F labeled target precursors, such as ^2F and fluoride. However, Applicants acknowledge that a poster presentation entitled "Production of the Short-Lived Low Tracer Fluorine-17 Fluoromethane From Proton Irradiation of Neon" does describe the production of ^{17}F labeled fluoromethane having an equilibrium activity of over 150 mCi. Applicants note that it is this reference that the Examiner actually attached to the Office Action.

Applicants respectfully direct the Examiner's attention to the accompanying declarations of Alexander K. Converse, Kevin A. Dabbs, and Michael J. Schueller, which are submitted under 37 CFR § 1.132. Applicants hereby request that these declarations be entered into the file of this Application and be made a record. These declarations were originally filed in the parent patent application (serial no. 09/845,639; now issued patent no. 6,585,953) in an Amendment and Request for Reconsideration mailed on January 17, 2003. At the time the Amendment and Request for Reconsideration was filed, pending claims 1-4 were pending in the parent patent application as claims 46-49.

Alexander K. Converse, Kevin A. Dabbs, and Michael J. Schueller are the co-authors, along with the two inventors, of the poster presentation, A. D. Roberts, K. A. Dabbs, A. K. Converse, R. J. Nickles, and M. J. Schueller, "Production of the Short-Lived Flow Tracer Fluorine-17 Fluoromethane From Proton Irradiation of Neon," presented at the 47th Annual Meeting of the Society of Nuclear Medicine in St. Louis, Missouri on June 3-7, 2000. This poster presentation, which includes Alexander K. Converse, Kevin A. Dabbs, and Michael J. Schueller as authors in addition to the inventors of the present application, occurred prior to, but not more than one year before, the filing date of the parent patent application from which the present patent application claims priority (as a divisional). However, the enclosed Declarations of Alexander K. Converse, Kevin A. Dabbs, and Michael J. Schueller confirm that these three authors are not inventors, either solely or jointly, of the subject matter claimed in the present application. For this reason, the cited Roberts poster session reference is not prior art that can be asserted against the claims of this application. For this reason, Applicants respectfully request that the pending rejection be withdrawn.

For the foregoing reasons, Applicants respectfully submit that all of the claims pending in the application are now in condition for allowance. Consequently, Applicants respectfully request that the Examiner withdraw all the rejections and allow the application to issue. The Examiner is invited to contact the undersigned by telephone if it is thought that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

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